

**APPROVED 10-16-14**  
**TOWN OF NORTH HAVEN, CONNECTICUT**  
**MINUTES OF THE**  
**ZONING BOARD OF APPEALS**

A meeting of the Zoning Board of Appeals was held on Thursday, August 21, 2014 at the North Haven Memorial Library, 17 Elm Street, in the Community Room at 7:30 PM.

**MEMBERS PRESENT:**

Robert F. Hannon, Chairman  
Caren M. Genovese, Vice Chairman  
Joseph P. Villano  
William D. O'Hare, Alternate, sitting for Joel I. Rudikoff  
Jacob M. Piekarski, Alternate, sitting for Donald F. Clark, Secretary

**MEMBERS ABSENT:**

Donald F. Clark, Secretary  
Joel I. Rudikoff  
Robert A. Lockery, Alternate

**TOWN PERSONNEL:**

Alan A. Fredricksen, Land Use Administrator  
Laura Magaraci, Zoning Enforcement Officer  
Jennifer Coppola, Town Counsel

**OTHERS PRESENT:**

Mary Lee Rydzewski, Public Stenographer  
Sandra Lion, Clerk

**AGENDA:**

Mr. Hannon, Chairman, opened the meeting at 7:30 PM and introduced the members of the Board, the Town staff, the stenographer and clerk. Then, he explained that under the Connecticut State Statutes for an appeal request to be approved, the applicant needs a minimum of four (4) Board members to concur. Then Mr. Hannon stated that application #14-20, 333 State Street, has been postponed to the September 18, 2014 meeting.

**PUBLIC HEARINGS:**

Mr. Piekarski, Acting Secretary, read the call for the first Public Hearing

1. #14-17      Application of Patricia E. Dotson, Applicant and Owner, relative to 486 Clintonville Road, (Map 69, Lot 69) per Section 2.1.1.1, requesting a variance to permit the temporary use of an existing accessory building as a second single family dwelling on a single residential lot. R-40 Zoning District.

Ms. Patricia Dotson, applicant and owner, presented the application to permit the temporary use of an existing accessory building as a second dwelling on a single residential lot. The Board asked questions and Ms. Dotson responded. Then she submitted letters from the Wisneski family, 476 Clintonville Road, and Richard Smith, 485 Clintonville Road, in favor of the application. Mr. Piekarski read the letters into the record, Exhibits, A and B.

Mr. Hannon asked for public comment.

Public comment:

1. Fran Wisneski, 476 Clintonville Road, spoke in favor of the application.
2. Julie Wisneski, 476 Clintonville Road, spoke in favor of the application.
3. Jerome Wisneski, 476 Clintonville Road, spoke in favor of the application.
4. Cheryl Scali, 8 Chapel Hill Road, stated that she submitted a letter from her father requesting a stockade fence for privacy.

Then Mr. Piekarski read two additional letters into the record from Joseph Scali, 8 Chapel Hill Road, and Marcy Faiman, 501 Clintonville Road, Exhibits C and D.

There being no further public comment, the Public Hearing was closed.

Mr. Piekarski, Acting Secretary, read the call for the second Public Hearing.

2. #14-18      Application of Phane Realty, LLC, Applicant and Owner, relative to 455 Sackett Point Road, (Map 35, Lot 23) per Section 5.1.2, requesting a front yard variance of 36' to permit a front yard setback of 39' where 75' is required and requesting a side yard variance of 12' to permit a side yard setback of 8' where 20' is required and requesting a maximum building coverage variance of 24.6% to permit a building coverage of 59.6% where a maximum of 35% is permitted and per Section 8.3.3.1 requesting an approval to enlarge an existing, non-conforming building. IL-30 Zoning District.

Rosalind Page, Land Surveyor of Winterbourne Services presented the application to enlarge an existing, non-conforming building. She discussed the variances being requested and answered questions from the Board.

Mr. Hannon asked for public comment.

There being no public comment, the Public Hearing was closed.

Mr. Piekarski, Acting Secretary, read the call for the third Public Hearing.

3. #14-19      Application of Hunter Smith Architect, Applicant, Margaret Halpen, Owner, relative to 1140 Hartford Turnpike, (Map 42, Lot 76) per Section 2.1.1.9 requesting a side yard variance of 5' to permit a side yard setback of 13' where 18' is required and requesting an aggregate side yard variance of 5' to permit an aggregate side yard setback of 25' where 30' is required. R-20 Zoning District.

Mr. Hunter Smith, Architect, presented the application to permit the construction of a 24' x 24' two car garage addition. He submitted letters from neighbors in favor of the application, Exhibits, A-H and answered questions from the Board. Then Mr. Hannon read the Exhibits into the record. Mr. Smith stated that this garage may consist of a second floor to be used as a residence as well. Mrs. Genovese requested that the maximum height of the addition be 20'. The Board asked a few more questions and Mr. Smith responded.

Mr. Hannon asked for public comment.

There being no public comment, the Public Hearing was closed.

4. #14-20 Application of Berchem, Moses & Devlin, P.C., Applicant, Hawthorne Realty, LLC, Owner, relative to 333 State Street, (Map 35, Lot 1) requesting a front yard setback variance of 59' to permit a front yard setback of 16' where 75' is required. IL-30 Zoning District.

This application has been postponed to the September 18, 2014 meeting.

Mr. Pierkarski, Acting Secretary, read the call for the fourth Public Hearing.

5. #14-21 Application of Cumberland Farms, Inc., Applicant, Sal's Café & Vic's Pizza LLC, Owner, relative to 249 State Street, (Map 43, Lot 37) per Section 8.8.7.2 (3) requesting a sign setback variance of 12' to permit a front yard sign setback of 13' where 25' is required and requesting an aggregate girth variance of 6' to permit sign support posts having an aggregate girth of 12' where a maximum of 6' is permitted. IL-30 Zoning District.

Mr. Attorney Joseph Williams of Shipman and Goodwin presented the application for a sign variance. This 20' high monument type sign will display gasoline prices. Photographs of the site and sign were submitted. Attorney Williams stated that he has heard no opposition to the proposed sign and the sign will have no impact on neighboring properties. Mr. Patrick O'Leary spoke regarding the location and curb lines that will have to be modified. The Board asked questions and Mr. O'Leary and Attorney Williams responded. Mr. Villano asked if the sign could be pushed back because this location does have good visibility.

Mr. Hannon asked for public comment. There being no public comment, the Public Hearing was closed.

### **EXECUTIVE SESSION:**

Mr. Piekarski, Acting Secretary, read the following item into the record.

6. To discuss the status of the pending litigation and proposed Motion to Approve Settlement in Carmen C. Alvarado v. North Haven Zoning Board of Appeals, and possible action relating to same. A copy of the Motion to Approve Settlement is on file at the Town Clerk's Office. The public will be invited to comment on the Motion to Approve Settlement.

Attorney Jennifer Coppola of Ciulla & Donofrio representing the Town of North Haven stated that the Board met on June 19, 2014 in Executive Session to discuss the status of the above pending litigation. Then she summarized the settlement agreement.

Mr. Hannon asked for public comment. There was no public comment.

Mr. O'Hare moved to approve the proposed settlement agreement and to authorize Jennifer Coppola, Town Counsel to execute the settlement agreement on behalf of the Zoning Board of Appeals; Mr. Villano seconded the motion. The Board voted as follows:

Hannon – aye Genovese – aye Villano – aye O'Hare – aye Piekarski – aye

### **DELIBERATION SESSION:**

1. #14-17 Application of Patricia E. Dotson, Applicant and Owner, relative to 486 Clintonville Road.

Mr. Villano moved to approve the application for the purpose of discussion; Mr. Piekarski seconded the motion. The Board voted as follows:

Hannon – nay Genovese – nay Villano – nay O'Hare – nay Piekarski – nay

The application was denied.

In denying the application, the Board stated the following:

1. No hardship was found.

2. #14-18 Application of Phane Realty, LLC, Applicant and Owner, relative to 455 Sackett Point Road.

Mrs. Genovese moved to approve the application for only the work of this proposal and no additional variances or buildings; Mr. Villano seconded the motion. The Board voted as follows:

Hannon – aye Genovese – aye Villano – aye O'Hare – aye Piekarski - aye

The application was approved.

In approving the application, the Board stated the following:

1. The hardship is the train tracks located in the rear of the property and having two front yards.
2. The request is reasonable.

3. #14-19 Application of Hunter Smith Architect, Applicant, Margaret Halpen, Owner, relative to 1140 Hartford Turnpike.

Mr. Villano moved to approve the application with; Mr. O'Hare seconded the motion. The Board voted as follows:

Hannon – aye Genovese – aye Villano – aye O'Hare – aye Piekarski - aye

The application was approved.

In approving the application, the Board stated the following:

1. The height of the 24'x 24' addition is to be no greater than 20'.
2. The variance is limited to the work of this proposed plan only.
3. The request is reasonable and there are no objections from neighbors.

5. #14-21 Application of Cumberland Farms, Inc., Applicant, Sal's Café & Vic's Pizza LLC, Owner, relative to 249 State Street.

Mrs. Genovese moved to approve the application for the purpose of discussion; Mr. Villano seconded the motion. The Board voted as follows:

Hannon – aye Genovese – aye Villano – aye O'Hare – aye Piekarski – aye

The application was approved.

In approving the application, the Board stated the following:

1. The taking of property by the State is the hardship.
2. The request is reasonable.
3. There is no other location for the sign.

**CORRESPONDENCE:** None

**MINUTES:**

July 17, 2014

Mr. Villano moved to approve the July 17, 2014 minutes; Mr. O'Hare seconded the motion. The Board voted as follows:

Hannon – aye Genovese – aye Villano – aye O'Hare – aye

**ADJOURN:**

There being no further business, Mrs. Genovese moved to adjourn; Mr. Villano seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 9:07 PM.